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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,148	06/27/2003	Timothy S Hayes	BUR920020124US1	1147
28211	7590	07/14/2004	EXAMINER	
FREDERICK W. GIBB, III MCGINN & GIBB, PLLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401			THAI, LUAN C	
		ART UNIT		PAPER NUMBER
		2827		

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/604,148	HAYES ET AL.
	Examiner	Art Unit

Luan Thai	2827
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 8-19 is/are allowed.
- 6) Claim(s) 1-4 and 7 is/are rejected.
- 7) Claim(s) 5 and 6 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/27/03&amp;7/17/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Abstract*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet *within the range of 50 to 150 words*. It is important that the abstract *not exceed 150 words in length* since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony et al (5,300,313).

The figures and reference numbers referred to in this office action are used merely to indicate an example of a specific teaching and are not to be taken as limiting.

Regarding claims 1 and 7, Anthony et al. disclose a method comprising (Col. 1, lines 55-68, Col. 2, lines 1-3, Col. 4, lines 33-67): a) mounting the substrate in chemical vapor deposition apparatus so that at least one perforation exists in the plane of the substrate, monitoring the thickness of the layer formed in the perforation, depositing a

layer on the substrate by chemical vapor deposition; b) determining the relationship between the thickness of the layer formed in the perforation and the thickness of the layer formed on the substrate surface; and c) stopping deposition when the thickness of the layer formed on the perforation is consistent with the formation of a layer of the desired thickness on the surface.

Although Anthony et al. do not explicitly teach exactly the method steps as being claimed, Anthony et al.'s method steps a, b, c, and d would have been obvious to be considered as the claimed method steps of: 1) determining the actual film thickness of a film formed in the integrated circuit manufacturing process, 2) comparing the actual film profile with a desired film profile, and 3) if the actual film profile does not match the desired film profile, adjusting the integrated circuit manufacturing process to make the actual film profile match the desired film profile, respectively.

Regarding claim 3, Anthony et al. teach the steps of monitoring the thickness and determining the relationship between thicknesses of two layers that is considered as the profiles across cross sections of the layers.

Regarding claim 4, Anthony et al.'s step "c" is obviously considered as the claimed step of "repeating said determining, comparing, and adjusting processes for different cross-sections of said film".

Regarding claim 2, although Anthony et al. do not explicitly teach the layer profile comprising a range of acceptable layer profiles, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form a layer with the thickness in a range of acceptable thickness because the range of the thickness is an art

recognized variable of importance which is subject to routine experimentation and optimization.

***Allowable Subject Matter***

3. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 8-19 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

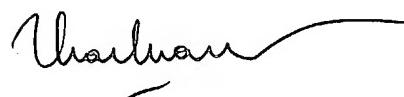
The prior art taken either singly or in combination fails to anticipate or fairly suggest: a) the method step of *determining said desired film profile by averaging previous formations of said film formed using the same integrated circuit manufacturing process*, as recited in claim 5; and b) the step of *plotting multiple thickness measures taken at regular intervals along a line crossing a film formed in said integrated circuit manufacturing process to produce an actual film profile of said film*, as recited in claims 8 and 15; especially when these limitations are considered within the specific combination claimed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan Thai whose telephone number is 571-272-1935. The examiner can normally be reached on 6:45 AM - 4:15 PM, Monday to Friday.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan Thai whose telephone number is 571-272-1935. The examiner can normally be reached on 6:45 AM - 4:15 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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\_\_\_\_\_  
Luan Thai

**Luan Thai**  
Primary Examiner  
Art Unit 2827  
July 12, 2004